

**MINUTES OF THE
CITY OF PATASKALA BOARD OF ZONING APPEALS**

Monday, February 11, 2019

The City of Pataskala Board of Zoning Appeals convened in Council Chambers, City Hall, 621 West Broad Street, Pataskala, Ohio on Monday, February 11, 2019.

Present were:

Robert Platte, Chairperson

D. Chadd McKittrick, Vice Chairperson

Bruce Ashcraft

Alan Howe

TJ Rhodeback

City of Pataskala Planning and Zoning Department staff:

Scott Fulton, Planning Director

Lisa Paxton, Zoning Clerk

Mr. Platte opened the hearing at 6:30 p.m., followed by the Pledge of Allegiance.

Roll call was made. Present were: Bruce Ashcraft, Alan Howe, D. Chadd McKittrick, Robert Platte and TJ Rhodeback.

Conditional Use Application CU-18-005 remained tabled.

Next on the Agenda, Variance Application VA-19-001.

Mr. Fulton gave an overview of the Staff Report, noting the Applicant is requesting a variance from section 1291.10(1) of the Pataskala Code to allow for three commercial vehicles exceeding the maximum commercial vehicle weight to be parked on a residentially zoned lot at 25 West Avenue. Complaints were noted. Violations by the previous owner were noted. It was indicated the Applicant was unaware of zoning regulations before purchasing the property.

Tonya Alhesay, 25 West Avenue, was placed under oath.

Ms. Alhesay stated buying the home for a rental and currently cleaning the property and making repairs to the home. It was noted they have a home office in Granville and had no place to park the vehicles. The Applicant stated the previous owner had parked commercial trucks at this location.

A discussion was had regarding commercial vehicles.

Ms. Alhesay stated she was unaware of the zoning requirements.

Future comprehensive plan was discussed.

Mr. Platte asked if a parking variance were approved, would the Applicant need a use variance.

Mr. Fulton stated if it remains a residential rental property, they would not; however, the Applicant notes their business address as 25 West Avenue.

Ms. Alhesay stated the business address is in Granville, Ohio.

Findings of Facts were reviewed.

Mr. Platte made a motion to approve Variance Application VA-19-001. Seconded by Ms. Rhodeback. Mr. Howe, Mr. Ashcraft, Mr. McKitrick, Ms. Rhodeback and Mr. Platte voted no. The motion was not approved.

Next on the Agenda, Variance Application VA-19-002.

Mr. Fulton gave an overview of the Staff Report, noting the Applicant is seeking a variance to allow for the creation of a lot that would fail to meet the required minimum lot width for the R-M – Multi-Family Residential District. The Applicant has proposed splitting the lot into two parcels, the north section becoming 2.416-acres, and the south becoming 4.285-acres. The Applicant's narrative stated they do not believe the variance would be detrimental to the public health, safety, and welfare of the community. It is the intention of the Applicant to develop the 4.285-acre southern portion into a multi-family development. As this site is within one-quarter (1/4)-mile of Broad Street, the Applicant will be required to apply for a TCOD permit, which will go before the Planning and Zoning Commission. There were no department or agency comments.

Mr. Platte clarified that the Applicant could build on the southern portion of the property without a variance.

Mr. Fulton answered in the affirmative.

Mr. Howe inquired as to the lot currently being zoned for multi-family use.

Mr. Fulton noted in the affirmative and if the lot split were to be approved, it remains multi-family use.

Mr. McKitrick inquired as to the property previously being in Harrison Township.

Mr. Fulton indicated the property was annexed into the City, but did not know the timeline.

Jason Heitmeyer, 7010 Deer Run Road, Pickerington, Ohio, was placed under oath.

Mr. Heitmeyer noted being a custom home builder, stating the apartments would be high-end.

Mr. Platte indicated that the Applicant, by right, could build on the entire property without the lot split and, theoretically, build more apartments.

Mr. Heitmeyer indicated he was aware but wanted to do something nice for the community.

A discussion was had regarding rezoning and annexation.

Katrina Self, 210 Aston Court, was placed under oath.

Ms. Self inquired as to where the property would be split, as well as the entrance.

Driveways and public access roads were discussed.

Ms. Self noted concerns regarding traffic on Watkins Road. Ms. Self indicated condos would be better, and noted concerns with apartments.

A discussion was had regarding the Planning and Zoning Commission hearing.

Henry Householder waived speaking but stated his concerns were the same.

Joyce Mathews, 82 Habersac Avenue, was placed under oath.

Ms. Matthews noted her concerns regarding apartments.

A discussion was had regarding hearing notifications.

Ryan Young, 214 Aston Court, was placed under oath.

Mr. Young noted concerns with apartments, property values, traffic.

Jana Davis, 5419 Watkins Road, was placed under oath.

Ms. Davis stated being directly affected as her property is south of the subject property. Property value concerns were noted. Ms. Davis noted being opposed to the variance.

Mr. Platte asked if the current zoning of the property was in place prior to purchasing her property.

Ms. Davis indicated in the affirmative.

Deborah Gutman, 5177 Watkins Road, was placed under oath.

Ms. Gutman owns a dog kennel just north of the subject property. A 60 foot strip buffer between the kennel and residence was noted. Ms. Gutman indicated the variance would be a significant impact on her business and believes it would be a detriment to public health and safety. Noise and traffic concerns were noted. Ms. Gutman also stated there was an unwritten promise to keep the trees to buffer the kennel and residences.

Robert Sexton, 5447 Watkins Road, was placed under oath.

Mr. Sexton noted concerns affecting the character of the neighborhood and diminishing property values. The wooded area being used as a noise buffer. Mr. Sexton stated the three ranch homes south of the subject property would be negatively impacted.

Eric Fahner, 667 Forward Pass, was placed under oath.

Mr. Fahner noted concerns with the impact to schools, taxes and public services.

Drew Clark, 174 Wintergreen Loop, was placed under oath.

Mr. Clark noted opposition to the variance and multi-family use.

Tim Barrett, 575 Richmond Drive, was placed under oath.

Mr. Barrett noted the Applicant's right to develop the property, however, noted concerns regarding Section 1211.07(1)(d)(f) and (k).

Mark Van Buren, 4832 Keller Road, Hebron, Ohio was placed under oath.

Mr. Van Buren asked if the driveway placement would be approved by the Licking County's access management plan.

Mr. Fulton indicated in the affirmative.

Mr. Van Buren noted a variance may be required through Licking County to be able to use the driveway. Mr. Van Buren also noted the ravine in the back of the property.

Mr. Fulton indicated the County may not be able to deny access to the property, but may be able to limit it.

Mr. Van Buren indicated the developer is creating the issue by dividing the property.

Jennifer Mauck, 5475 Watkins Road, was placed under oath.

Ms. Mauck noted the environment of the area would change with apartments. Traffic, speed and noise concerns were noted.

Robert Toy, 255 Bluff Ridge Drive, was placed under oath.

Mr. Toy noted concerns with added traffic and safety of children.

Pamela Martino, 251 Needles Drive, was placed under oath.

Ms. Martino noted concerns with property values, traffic issues.

Matt Farber, 5382 Watkins Road, was placed under oath.

Mr. Farber noted the community getting the point across with the large turnout at tonight's meeting.

Larry Gladman, 207 Aston Court, was placed under oath.

Mr. Gladman inquired as to the annexation of the subject property, also noting not being opposed to the development, but noted concerns with traffic and safety of children.

Sam Reda, 469 Wynridge Drive, was placed under oath.

Mr. Reda noted working hard to keep the community the way it is.

Henry Householder, 211 Aston Court, was placed under oath.

Mr. Householder noted traffic concerns.

Nicole Walker, 4095 Watkins Road, was placed under oath.

Ms. Walker noted concerns regarding the northern lot of the subject property being used for multi-family and traffic concerns were noted.

Tim Barrett, 575 Richmond Drive, was placed under oath.

Mr. Barrett indicated the property was intended for condominiums at one time. Traffic concerns were also noted.

Mr. Platte inquired as to the annexation and zoning.

Mr. Fulton indicated Jefferson Meadows was to extend into the subject property. Condominiums were in 2017 and it was noted they have no intention of continuing the condominiums. Mr. Fulton noted the annexation may have taken place at the time Jefferson Meadows was developed.

Aaron Wagonrod, 122 Jefferson Ridge Drive, was placed under oath.

Mr. Wagonrod noted his support for the neighbors and opposes the variance.

Jim Hannahs, 586 Hillgail Circle, was placed under oath.

Mr. Hannahs stated he is on the Board of Zoning Appeals for Harrison Township and noted traffic concerns, is opposed to the apartments, property values will suffer.

Rick Cox, 141 Trail East Road, Etna, was placed under oath.

Mr. Cox noted working with the Applicant to lay out the property for the development. It was noted the hearing is for the lot split and the Applicant may use the entire property for multi-family without the lot split. Mr. Cox also stated the buffer between the dog kennel and 5419 Watkins Road is not a buffer and is someone else's property. Mr. Cox stated there are no unwritten rules, and have not seen deed restrictions noting such. Mr. Cox indicated the property has been zoned multi-family for a while, and the property has been available for purchase. It was noted if the variance isn't approved, the option is open to continue the development for the full use of the property. Mr. Cox also noted 60' is enough for a road and consistent with multi-use. Mr. Cox noted when Barrington Ridge was constructed, there were residents in Harrison Township that didn't want it, the same as residents in Barrington Ridge not wanting this development.

Fire department access through Jefferson Meadows was discussed.

Ms. Gutman stated she has requested several times over the last 14 to purchase the property and was told there was no desire to sell or build on the property.

Mr. Barrett asked for a clarification of the owner of the property.

Scott Sims, 465 Wynridge Drive, was placed under oath.

Ms. Sims inquired as to how the Applicant can request a variance without owning the property.

Mr. Fulton stated the Applicant may submit the application as there is a signature line for the property owner allowing the variance to proceed.

Floodplain and wetlands were discussed.

Granting of access was discussed

Transportation Corridor Overlay District was discussed.

Mr. Platte inquired as to the reasoning for 90' frontage requirement.

Mr. Fulton stated there being nothing in the Code indicating why 90' was selected for minimum frontage.

Mr. Cox stated he believes it was regarding flag lots and to avoid multiple properties with 60' of frontage.

Mr. Platte stated there are a number of items the Board can consider; zoning and use of the property is not one of them, unless it's for a conditional use application. Mr. Platte noted the developer could build on the total acreage.

Ms. Gutman noted curb cuts could cause flooding to the southern properties.

Mr. Platte inquired if they could restrict the use of property through.

Mr. Fulton noted the Board cannot restrict the use of a property if the use is permitted.

Mr. Platte noted if the Board denies the variance, the Applicant can still build apartments.

Mr. Fahner noted a ravine in the back of the property and emergency access.

Mr. Toy noted endangered bats.

Mr. Cox noted the Indiana Bat issue has been addressed, and there is a process through the Ohio EPA that addresses that.

Mr. Platte noted ownership is not an issue and an application may be filed by anyone as long as the owner has given consent.

A discussion was had regarding items to be addressed.

A discussion was had regarding upcoming meetings.

A discussion was had regarding tabling the application.

Mr. Platte made a motion to table Variance Application VA-19-002 to the March 11th hearing. Seconded by Mr. Ashcraft. Mr. McKittrick, Mr. Platte, Ms. Rhodeback, Mr. Ashcraft and Mr. Howe voted yes. The motion was approved.

Next on the Agenda, Findings of Fact for Variance Application VA-19-001:

<u>Yes</u>	<u>No</u>	
✓		A. Whether the property in question will yield a reasonable return or if there can be a beneficial use of the property;
	✓	B. Whether there are unique physical circumstances or conditions that prohibit the property being developed in strict conformity with the zoning regulation such that a variance is necessary to enable the reasonable use of the property;
✓		C. Whether the variance requested is substantial;
✓		D. Whether the essential character of the neighborhood would be substantially altered or the adjoining properties would suffer a substantial detriment as a result of the variance;
	✓	E. Whether the variance, if granted, will substantially or permanently impair the appropriate use or development of adjacent property;
✓		F. Whether the variance, if granted, will be detrimental to the public welfare;
	✓	G. Whether the variance, if granted, would adversely affect the delivery of government services;
	✓	H. Whether the property owner purchased the subject property with knowledge of the zoning restriction;
✓		I. Whether the property owner's predicament can be obviated through some other method than variance;
	✓	J. Whether the variance, if granted, will represent the minimum variance that will afford relief and represent the least modification possible of the requirement at issue; and,
	✓	K. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.

Ms. McKitrick made a motion to approve the Findings of Fact for Variance Application VA-19-001. Seconded by Ms. Rhodeback. Mr. Ashcraft, Mr. Howe, Mr. Platte, Mr. McKitrick and Ms. Rhodeback voted yes. The motion was approved.

Next on the Agenda, approval of the January 8, 2019 organizational meeting minutes.

Mr. Howe made a motion to approve the January 8, 2019 organizational meeting minutes. Seconded by Mr. Ashcraft. Ms. Rhodeback, Mr. Platte, Mr. McKitrick, Mr. Ashcraft and Mr. Howe voted yes. The motion was approved.

Next on the Agenda, approval of the January 8, 2019 regular meeting minutes.

Mr. Ashcraft made a motion to approve the January 8, 2019 regular meeting minutes. Seconded by Ms. Rhodeback. Mr. McKitrick, Mr. Platte, Ms. Rhodeback, Mr. Ashcraft and Mr. Howe voted yes. The motion was approved.

Next on the Agenda, Other Business.

No other business was noted.

Mr. Ashcraft made a motion to adjourn the meeting. Seconded by Ms. Rhodeback. Mr. Platte, Mr. Howe, Mr. Ashcraft, Ms. Rhodeback and Mr. McKitrick voted yes. The meeting was adjourned at 8:49 p.m.

Minutes of the February 11, 2019 meeting were approved on

_____, 2019.
